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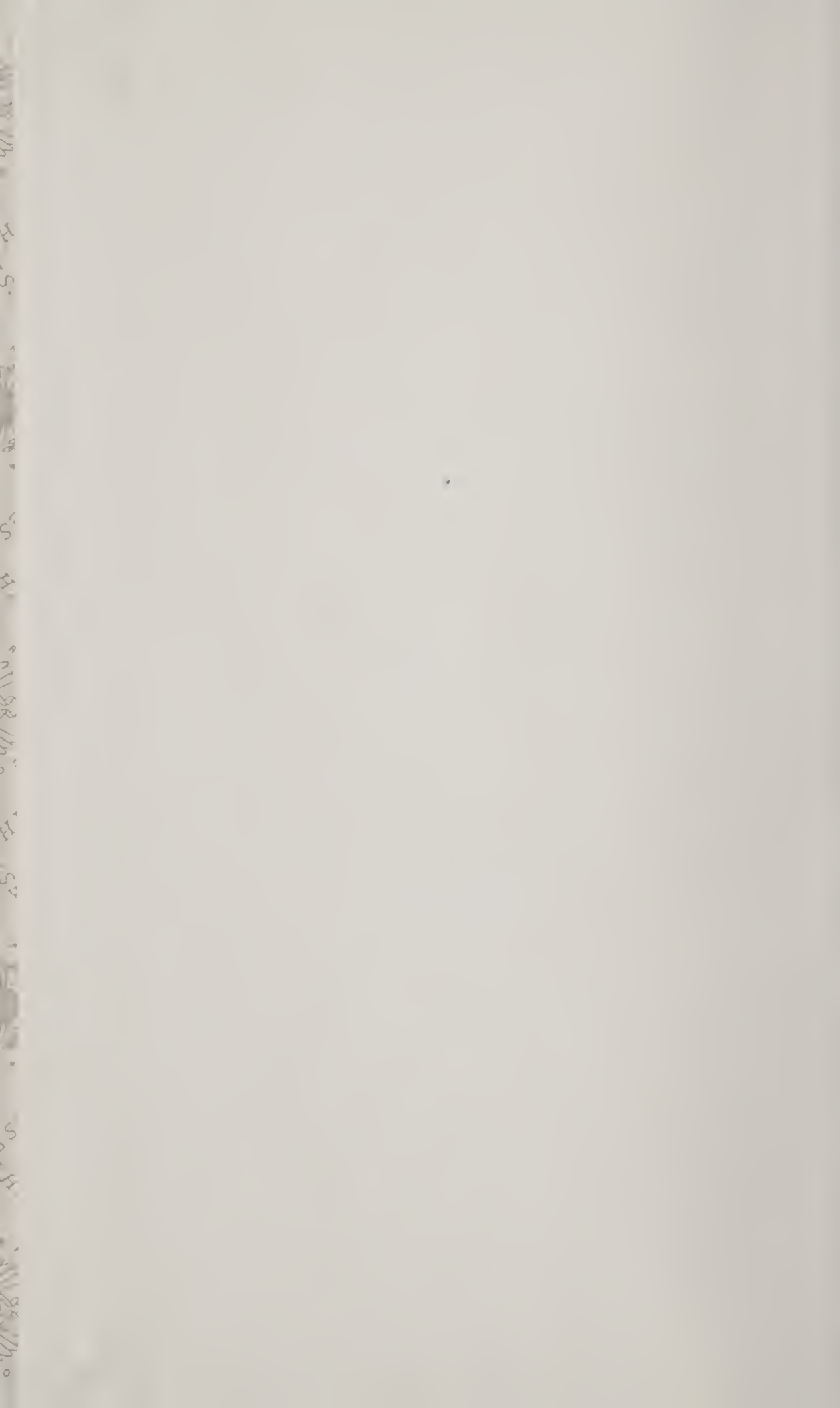
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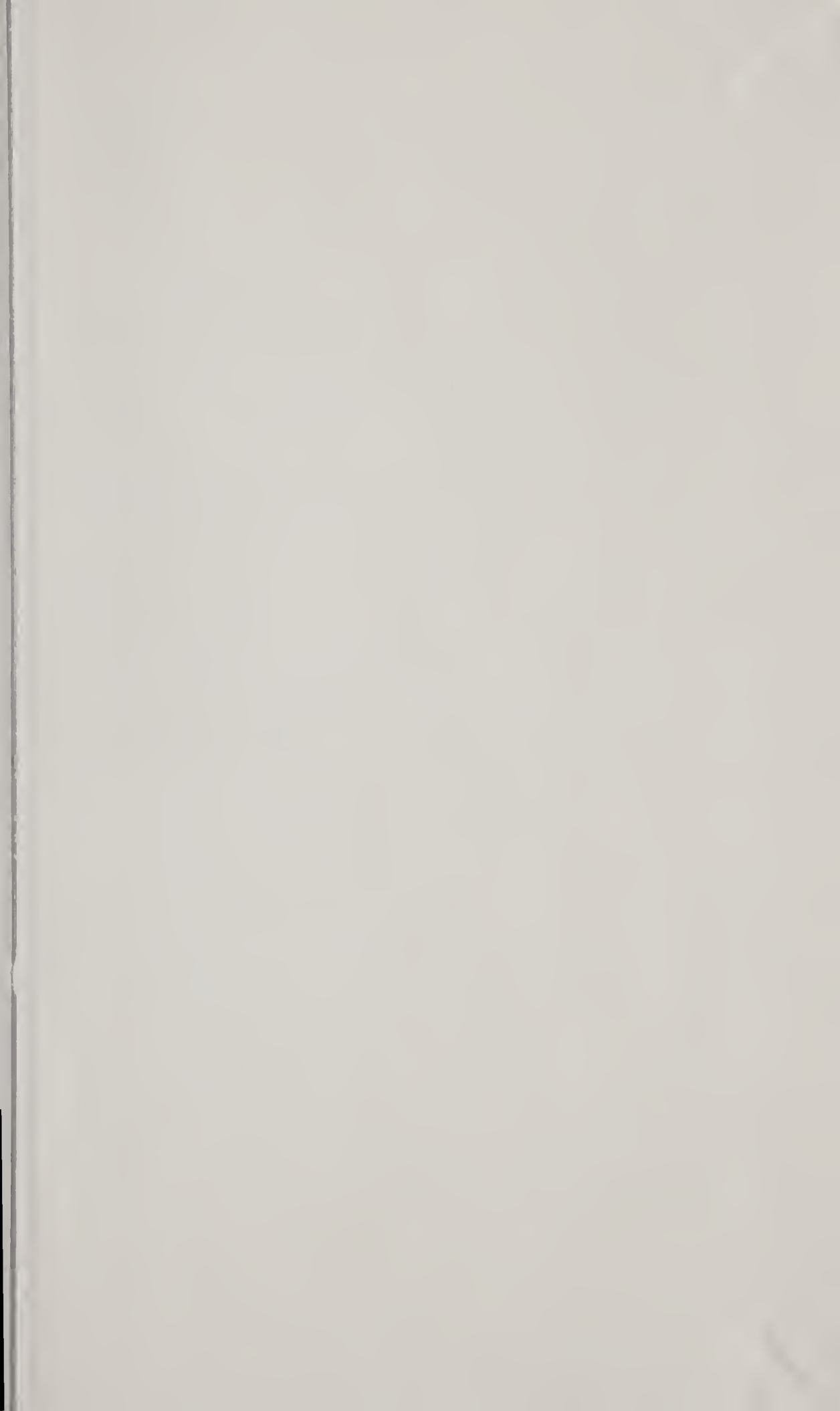
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SPEECH

OF

THE HON. MR. STORRS,

IN THE HOUSE OF REPRESENTATIVES,

ON THE

SEMINOLE WAR.

HOUSE OF REPRESENTATIVES, }
January 23. }

In committee of the whole on the state of the Union, (Mr. Terry in the chair,) the following resolution, reported by the committee on military affairs, together with the amendments proposed thereto, by Mr. Cobb, being under consideration, viz.

Resolved, That the House of Representatives of the United States disapproves the proceedings in the trial and execution of Alexander Arbuthnot and Robert C. Ambrister.

The amendments proposed by Mr. Cobb, are as follow :

Resolved, That the committee on military affairs be instructed to prepare and report a bill to this House, prohibiting, in time of peace, or in time of war with any Indian tribe or tribes only, the execution of any captive, taken by the army of the United States, without the approbation of such execution by the President.

Resolved, That this House disapproves of the seizure of the posts of St. Marks and Pensacola, and the fortress of Barrancas, contrary to orders, and in violation of the Constitution.

great as his services have been, they afford no sanctuary against our enquiry—much less do they furnish any exculpation for the violation of the constitution. An example of impunity on such grounds, for these assumptions of power, will produce the most pernicious consequences among the subordinate officers of the army.—Day after day have petitions been presented to this House, from the army, for indemnity against judgments awarded for the violation of the personal liberty of our citizens. The disposition to encroach upon the civil authorities of the government should receive no encouragement from our hands. For some time past, the people of this country have indulged a dangerous predilection for the army. In the civil departments one may attain to the highest eminence, and scarcely attract attention beyond the immediate sphere in which he moves—but, clothe him with the glare of military renown, and the eyes of the people are dazzled—his fame has no limits, and every one is ambitious and eager to honor him. It is time that we were roused from this fatal delusion. The affections of the country have been too bountifully devoted to the army, and the time may yet come, when the people will find it too late to retrieve this error of their hearts. If, sir, we consult the past history of other countries, and turn our eye back through ages which have gone before us, or if we look only to the events of our own times, we find much to warn us against receiving the services of public men as an apology for their usurpations. Every tyrant, who has succeeded in overturning the liberties of his country, first stole away the affections of his countrymen by the services which he had rendered to the state. On this occasion it is well worthy of remark, that these have, with few exceptions, been military services. Cæsar and Bonaparte only commenced their bloody career of tyranny after they had risen to power on the misguided affections of the people. In forming my judgment on the specific propositions before us, I lay altogether aside the motives of General Jackson. Laudable as they may have been, or faithfully as he may have believed himself to be acting in the discharge of his duty to his country, these form no part of the enquiry before us. To me it is immaterial with what views or what motives he has infringed upon the constitution. Our object should be to prevent the force of the precedent which these measures establish. If the powers of Congress have been encroached upon, let us declare it, unless we are prepared to surrender our prerogatives to a military chieftain, or to give up the constitution to mere matters of delicacy. This is not

an enquiry with a view to the censure of General Jackson. It is required from us by the duty of self-preservation. The indirect censure which some of these resolutions imply, is no fault of ours. The enemy whom he triumphantly vanquished at New-Orleans can derive no self-gratification from our proceedings. Would they boast, I would tell them to meet him in the field. The measures of this house will afford but a miserable consolation to those who there felt the energy of his arm, and whose pride was there humbled in the dust before his skill and valour.

The subject of these resolutions divides itself into several enquiries: the capture of Pensacola—the seizure of St. Marks—the crossing of the Florida line—and the execution of the captives. Whatever may be the justification for the seizure of Pensacola, the Barancas, and St. Marks, which the executive has urged as between us and Spain, it is plainly admitted by him, that the occupation of these posts was not justified by any orders which were issued. Such is the fair import of the message communicated at the commencement of the session. If any doubt can exist on this point, it must be removed by recurring to the letter of Mr. Adams, to the Spanish Minister at this place, of the 30th of November last. In that letter, which is written on the same day with the letter of Mr. Adams to Mr. Erving, he says: “But it is proper, in the first instance, in reference to the first of the propositions made by you on the 24th of last month, to correct an erroneous impression which you entertain, and which is certainly not warranted by any communications which you have received from this government. You have been informed that the contingencies upon which Gen. Jackson adopted those measures which you represent as hostilities and outrages, not having been anticipated, had not been provided for in his instructions; that they were unforeseen emergencies, upon which, judging measures of energy necessary, he had resorted to them on his own responsibility,” &c. Again; in the letter to Mr. Erving, of the same date, it is said that “the Spanish government must likewise have been satisfied that the occupation of these places in Spanish Florida, by the commander of the American forces, was not by virtue of any orders received by him from this government to that effect.” I was much surprized when my honorable colleague (Mr. Tallmadge) told us, that he considered him as completely justified, by his orders, even in the capture of Pensacola, and when, for proof of this, he called our attention to a paragraph in the letter of the Secretary of War to Gov.

Bibb of the 13th of May last, in which the Secretary says, "Gen. Jackson is vested with *full powers* to conduct the war in the manner in which he may judge best." These general orders, whatever they may have been, must be construed in reference to the orders which had provided for the particular state of things which actually occurred, and must be restricted by them. The observance of the neutral rights of Spain had been expressly enjoined; and the message of the 25th of March last also informed us that orders had "been given to the general in command not to enter Florida unless in the pursuit of the enemy, and in that case to respect the Spanish authority wherever it was maintained." The Secretary of War had no power whatever to issue a *carte blanche* of the kind which my honorable colleague has construed to include a right to attack the forts of a power in amity with us. From my acquaintance with that officer, we differ very much in our estimation of his knowledge of the duties of his station, if my colleague believes that such an unauthorized license was ever imagined by him. Nor has the Executive any such powers. From the orders actually issued, it seems that he too well understood the distribution of powers, and too highly respected the cardinal principles of our government, to believe that, in this case, such a power could have been conferred on the commander of an army. Not possessing it himself, he could delegate it to no one; and my colleague must have been mistaken in the construction which he gave to these orders. The immediate restoration of Pensacola is unequivocal evidence that the post was not captured in conformity to the views or instructions of the Executive, and virtually amounts to a disavowal of its seizure, on the part of our government. Although, as between us and Spain, the Executive has not, and perhaps ought not, to have yielded to the demand of that government to inflict punishment on Gen. Jackson, it is not certain how far they have intended to adopt his acts as constitutional. From a careful examination of the letter from the Secretary of State to Mr. Erving, I have been led to doubt whether they have, in unqualified terms, sanctioned the occupation of St. Marks and Pensacola. In that letter, it is said that "it became therefore, *in the opinion of Gen. Jackson*, indispensably necessary to take from the Governor of Pensacola the means of carrying his threat into execution."—Again; "It was, *in his judgment*, not sufficient that they (the Indians) should be suffered to rally their numbers under the protection of Spanish forts," &c. The cautious phraseology of these and many other passages of this letter leaves it somewhat

equivocal whether even the government has, as between Gen. Jackson and us, assumed to their whole extent the doctrines on which Gen. Jackson founded the justification of his proceedings. If, however, such sanction was intended on the part of the Executive, the powers of Congress are doubly jeopardized.

Sir, I have read this letter of the Secretary of State with grief, and, I will add, with no little humiliation for my country. Instead of that calm, manly, and dignified character which formerly marked our diplomacy, it seems to have been penned under the influence of temper and petulance. It is a production rather addressed to the passions than a temperate and candid appeal to the reason and good sense of mankind. Some parts of it are, in my judgment, offensive to that diplomatic courtesy which should characterize the intercourse of nations. Referring to Ambrister's letters to Col. Nichols, "informing him that he is with 300 negroes," a few of our Bluff people, "who had stuck to the cause, and were relying on the faith of Nichols's promises," the paragraph is thus continued: "Our Bluff people were the people of the Negro Fort collected by Nichols and Woodbine, and 'the cause' to which they stuck was the savage, servile, exterminating war against the United States." Really, sir, if sarcasm must have been resorted to on the occasion, it surely need not have been sought for in the vulgarities of Ambrister's letters. On the subject of the trials of Arbuthnot and Ambrister, it is said that "the defence of the one consisted solely and exclusively of technical cavils at the nature of part of the evidence against him, and the other confessed his guilt." It is here gravely asserted, that, on a trial for life or death, an objection to the hearsay declarations of an Indian is a *technical cavil*!—that this country recognizes an institution for trials of capital offences, on which an objection to the proof of the hearsay declaration of an Indian, who, if himself present, could not have been a competent witness, is a *technical cavil*! To be condemned to an ignominious death on testimony of this sort is what the honorable Secretary has termed "the benefit of a trial by court martial." The threat contained in the conclusion of this letter deserves, at least, to be remarked by this House: "if the necessities of self-defence should again compel the United States to take possession of the Spanish forts and places in Florida, declare, with the frankness and candor that becomes us, that another unconditional restoration of them must not be expected." Before a war of conquest is carried into the dominions of Spain; before the armies of this nation are sent to en-

force the conditions which we prescribe to other nations; as the tenure by which they shall enjoy the sovereignty of their own territories, I trust that this House will at least be consulted; that the discretion of Congress alone will determine the question of war or peace. I do not relish the fulfilment of these threats by a Secretary of Foreign Affairs. We have, indeed, heard of imperial edicts in another quarter of the globe. At one time it is decreed, that *the Bourbon dynasty no longer exists in Spain*, at another, *the Queen of Etruria no longer reigns*, and a band of soldiery is forthwith sent to enforce the mandate, and overturn the governments of other nations. These imperial examples are hardly worthy of our imitation; and I pray that, if this letter is to be hereafter the model of our diplomatic correspondence, some means may be devised to remedy its effect upon our national character. It would hardly be imagined, from perusing that letter, by one unversed in our institutions, that our form of government was republican. And against whom is this threat issued? - "Poor, miserable, and degraded Spain?" Indeed she is too weak to repel or scarcely to resent the encroachments of any; but, fallen as she is, it affords but a sorry triumph to insult her weakness. I fear that the wrongs of which she has been guilty towards us have induced less regard for her rights, and that we have not, therefore, been scrupulous to respect them.

For what reasons was Pensacola occupied? Not because it might have fallen into the hands of the Indians, nor has it been asserted that it was necessary to the preservation of our army. The war was finished before General Jackson crossed into West Florida. Mr. Adams says, that "before the forces under his command, the savage enemies of his country had disappeared." General Jackson had, on the 26th of April, said that they had "not the power, if the will remained, of again annoying our frontier." The cause which immediately determined him to 'hesitate no longer' on the course he should pursue, was the delivery to him, on the 23^d May, of the protest of the governor of Pensacola. This officer had, in defence of the province entrusted to his protection, determined to discharge his duty to his sovereign. He was bound to defend the territory. Had he not reason to believe the views of General Jackson to be hostile? Had he not the best means of judging? General Jackson had previously informed the Secretary of War, in his letter of the 5th of May, that the statements which had been made to him of the supplies furnished from Pensacola to the Indians, compelled him "to make a movement to the west of the Appalachicola, and, should they prove correct," that

“Pensacola must be occupied by an American force, the governor treated according to his deserts, or as policy may dictate.” At this time, this protest had not been received. Was Pensacola at last occupied as a temporary means of defence against the Indians? In the despatch of the 2d of June, General Jackson says, that “the articles, with but one condition, amount to a complete cession to the United States of that portion of the Floridas hitherto under the government of Don Jose Mazot.” A civil government was established, officers appointed; and in the same despatch the Secretary was informed, that “Captain Gadsden was, among other things, instructed to report “what new works should, in his opinion; be erected to give permanent security to this important territorial acquisition to our republic.” Is this the manner, or are these the measures and the principles of the law of nations which gentlemen recognize as justifying the occupation of neutral forts by a belligerent in self-defence? Are neutrals, when thus dispossessed of sovereignty for this purpose, to be treated as a conquered enemy? I have not come here with Vattel, or volumes of public law, to determine whether some principles may not be deduced by nice and subtle investigation, on which we may justify these acts. It is enough that these documents satisfy me that General Jackson occupied Pensacola with the views which he has himself declared. If these acts do not amount to war, I am at a loss to know what more we could have authorised to be done to change our relations with Spain. The capture of St. Marks was equally unauthorised by orders, and was equally in derogation of the rights of Spain. It appears to have been seized as a convenient “depot” to facilitate the operations of our army. I shall not detain you by again repeating what has already been so ably and satisfactorily illustrated by those who have already addressed the committee on this point. The terms, however, on which Saint Marks was offered to be restored, are worthy of notice. They tend to show how greatly the importance of this war with the Seminoles, and that necessity which is resorted to as a justification of the capture of this fort, has been magnified. St. Marks is in the heart of the territory occupied by these tribes—and, yet, it appears from the letter of the 30th of November, that two hundred and fifty men would be accepted as “a Spanish force adequate to its protection against the Indians.” Yes, sir—two hundred and fifty “poor, miserable, and degraded” Spaniards, as the honorable gentleman from Massachusetts (Mr. Holmes) was pleased to call that nation, were considered as competent effectually to restrain these tribes

from its forcible occupation "for purposes of hostility against the United States."

It has been thus that war has been waged without the authority of Congress. My honorable colleague (Mr. Tallmadge) in reviewing the effects of this campaign in Florida, expressed his satisfaction that permanent peace had been restored along the southern frontier. Peace! I cannot partake of this gratification. It is the peace of a great charnel house—the peace which presides over the sepulchres of the dead—the peace which reigned along the Andes when the remorseless Pizarro had spread desolation over South America—the peace which pervaded Holland when the merciless Duke of Alva had deluged her fruitful fields and drenched the streets of her cities with the blood of her citizens—the peace which rested on the vast plains of the Peninsula of Hindostan, when the ferocious Hyder Aly had extirpated from those fertile regions every vestige of civilization. There is one difference, sir, between these cases. The one swept the remnant of his miserable victims into captivity—the other sent them to the christian's God.

From every view which I have been able to take of this invasion of the Spanish territory, I am constrained to believe that, from the first entry of our army into Florida, the rights of Spain were violated. The honorable gentleman from Massachusetts (Mr. Holmes) assumed that the Indian tribes were independent nations, and then argued, that, as the United States were at war with the Seminoles, who held concurrent sovereignty with Spain over the invaded territory, the neutral rights of Spain must yield to ours as a belligerent. I shall only reply to this, by saying that I know of no joint-tenancy of supreme power of this sort—that I do not comprehend with much precision how among nations these various sovereignties can exist over the same subject and for the same purposes; all of which are independent; and, yet, all concurrent—neither of which recognizes supremacy in the other—whose separate authority is entirely distinct, and at the same time absolute—and wherein one, by changing its own foreign relations, can completely prostrate all the rights of the other. The tribes of Indians which inhabit our territory are not considered as independent nations for any purposes, as between us and other powers. Even towards ourselves, we do not acknowledge them to be absolutely so. It is too late now to enquire whether the right of European nations to this country has been derived from discovery or conquest, or what their rights would be as deduced from either. The original charters of the colonies, the grant of monopolies for Indian trade.

and the repeated and unqualified transfer, by treaty, of all their territories, are unanswerable proofs that all rights over the countries which they occupy are subordinate to the sovereignties of those governments within whose jurisdictions they reside. The common consent and universal convention of European powers, has settled this question—our own constitution has recognized and established the adoption of this principle into the code of public law. The power even to regulate the trade of our own citizens and foreigners with the Indians, and all their exterior commercial connexions, is vested in Congress. We do not recognize as lawful the interference of any foreign power in their concerns. The making of treaties with them is denied. We claim them to be exclusively under our own protection. Had the honorable gentleman from Massachusetts but read a little further in the correspondence of our commissioners at Ghent, he would have found all these principles asserted and enforced. “Without the admission of this principle, there would be no intelligible meaning attached to stipulations establishing boundaries between the dominions in America of civilized nations possessing territories inhabited by Indian tribes. Whatever may be the relations of Indians to the nation in whose territory they are thus acknowledged to reside, they cannot be considered as an independent power by the nation which has made such acknowledgment.” As between the Indians and us, we have left to them but a few limited attributes of sovereignty. The right to dispose of the lands they occupy is not absolute. Their possessions can only be transferred to the U. States. From policy our laws have not been extended to them; nor, indeed, would it be practicable for any useful purpose. Their attacks upon our inhabitants are repelled by the Executive, as cases of domestic insurrection, without the formality of a declaration of war. From these principles, and this relation, it results that they are so far our subjects, in reference to other powers, that we are bound to restrain their hostilities on foreign nations. The same duty we claim of others. We have the right to require them to restrain their depredations on ourselves. Will it be tolerated, that an army from Canada, in hostility with the Indian tribes residing in the state of New-York, could lawfully exercise the power of marching across that state—prostrating her sovereignty, and subjecting her citizens to all the horrors of war, in pursuit of those tribes? Before a foreign power can claim any right of this sort, a demand at least on our own government should be made. We were bound, on every principle which should be maintained in relation to the

Indian tribes, to have made this demand on Spain before we invaded her territory. Has this demand been made? I have examined the correspondence, and have not found it. Since the destruction of the negro fort, in 1816, I do not find that, in all the communications between our government and the Spanish minister, the hostility of the Seminoles had been alluded to. Complaint was before made of the existence of that fort, but that has been long destroyed by our own forces. If any remonstrance has been preferred since that time, I hope that some gentleman who justifies these proceedings will point to it. In the letter of the Spanish minister to our government, of the 17th of June last, it is asserted that, "under the pretext of making war against the Indians, on complaints or motives which have neither been communicated to the governor of those provinces, nor to the captain general of the island of Cuba, who is also governor of them; nor to any other Spanish officer or public functionary, the dominions of East Florida have been invaded, and the Spanish territory entered as if it had been an enemy's country." This declaration was afterwards reiterated in a subsequent letter; and how has it been answered? Two other letters were sent from the Spanish minister to our government, on this subject, when, on the 23d of July, Mr. Adams replied, in these words: "*It cannot be unknown to you that, for a considerable time before the government of the United States issued orders for military operations in that quarter, the inhabitants of that frontier had been exposed to depredations, &c.*" It would not even have been sufficient that we had made a formal demand on the governor of Pensacola; he was but a subordinate officer: we were at least bound to have remonstrated to the minister of Spain at this government. I have thus far considered this point without reference to the treaty; and perfect, as I believe, without it, our right was to require Spain to restrain the hostilities of the Indians residing within her territory, yet, as a treaty stipulation existed, it was more clearly our duty to have made that demand before her sovereignty was violated. The justification of the Executive, which has been alleged in this debate, as arising from the neglect of Spain to fulfil the treaty, is fallacious. If the treaty had been violated, the Executive possessed no authority to enforce our rights by arms. It is the exertion of national force for the redress of wrong or the preservation of right, which constitutes the precise definition of war and the Congress alone was vested with the authority to declare it. This treaty has heretofore received a practi-

cal construction from ourselves, which should have been observed. When the right of deposit at New Orleans, which was secured by the 23d article, was withheld, under the presidency of Mr. Jefferson, it was proposed that Congress should immediately authorize the President to restore the right by force. The resolutions introduced into the Senate by Mr. Ross created much agitation and debate. One of those resolutions was, "that the President be authorized to take immediate possession of such place or places in the said island, or the adjacent territories, as he may deem fit and convenient for the purposes aforesaid; and to adopt such other measures for obtaining that complete security, as to him, in his wisdom, shall seem meet." Although this was merely a proposition to *authorize* the President to restore this right by force, yet it was objected that the act of the intendant might be disavowed; that, before war was thus waged, application should be made to the government of Spain. This was the course pursued by the republican party at that time, and which was adopted by Mr. Jefferson. When the Chesapeake frigate was attacked; when John Pierce was murdered, and our neutrality violated, did we fly to arms? I am not the apologist of Spain. The injuries which we have received from that power, have been good cause of war. When that question is presented, I am ready to decide on the expediency of it. I shall support my country in all her rightful claims; but, in this case, before I approve of the measures which have been adopted, I must be satisfied that we have first done that which was necessary to place the Spanish government in the wrong.

Gentlemen have defended these proceedings as a case in which a belligerent is justified in seizing neutral forts or territory, in self-defence, arising out of extreme necessity. I admit that cases may exist of that sort: they are rather exceptions to the doctrines which I maintain. I can easily imagine that, even under the treaty with Spain, an attack by the Seminoles might be so sudden and unanticipated, that we might be justified in pursuing them even into Florida. But this necessity must not originate from the fault of the belligerent. If, as in the case before us, our neglect for so long a period to require of Spain the fulfilment of the treaty, or to represent to that government, or even to its minister here, the hostile intentions of the Indians, has brought this necessity upon ourselves, the fault is on our side. These Indian tribes, and their associates, have been represented as mere banditti—outlaws—renegadoes. If so, then Spain was an-

swerable to us, on well settled principles, for their acts. But I ask, in what code of the law of nations is an authority asserted for one government, at its own pleasure, to pursue banditti, outlaws, renegadoes, or even its own felons, into the territories of another, in any case, without first demanding that they should be delivered up? Sir, I will detain the committee no longer on this part of these proceedings. When the order was issued for the advance of our army into Florida, Congress was in session. Subsequent events have shown how greatly it is to be lamented that an appeal had not been made to that body which could only change our relations with Spain, and which was then in the full exercise of its constitutional functions. I have been somewhat surprized at hearing the encomiums which have been bestowed on General Jackson for this incursion into Florida. A vote of thanks has been talked of. He has been called by the imposing names of conqueror—hero—benefactor. Conqueror! If the rout and dispersion of a race of barbarians, degraded and defenceless as the Seminoles, can confer this title, high, indeed, is his elevation. When Tigranes, with two hundred thousand men, had been defeated by Lucullus, with only twenty thousand, the Roman soldiers, after pursuing the enemy for some distance, suddenly stopt, and burst into loud laughter, to think that they had used their swords on such a set of cowardly slaves. Hero! If the blaze of burning towns—the extermination of their wretched inhabitants—the death of captives, and the extirpation of the human race, can confer renown, and elevate our nature, glorious and ennobling, indeed, are these achievements. Benefactor! If the honor of our country—the dignity of its character—the justice of its institutions, and the purity of our religion, are sanctified by deeds like these, pour out your full libations of praise, and offer the unaffected homage of a nation's gratitude. How keenly does it wound the sensibility, how low should it sink the pride of an American, to compare the laurels won upon the plains of Orleans, with this sickening night-shade, plucked from the morasses of Florida!

As to the execution of Arbuthnot and Ambrister, I acquiesce in the moral justice of their sentence. Without expressing that opinion from the evidence on their trials, they probably deserved their fate. But I can never admit the legality of the trials or the punishment which was inflicted. Had they been put to death in the heat of battle, considering the course which they have pursued, I should not have censured it, how much soever I should have regretted such an exercise of power. But they were tried by a court martial. Such it was originally called in the

despatches of General Jackson, and such it is recognized to have been in the letter to Mr. Erving.

The honorable Speaker alluded to the case of the Duke D'Enghein, as in many respects similar to these. The history of the recent events in Europe furnishes another, which, in my judgment, is more nearly parallel. When the armies of France were devastating Europe, John Palm, a citizen of Nuremburgh, was seized by order of the Emperor, torn from his family, and brought before a military tribunal. He was a printer. His crime was, that he had instructed his countrymen in their rights, and taught them their duty; that he had exhorted them to defend their country against its invaders. For this he was charged with having *excited the enemies of France to hostility against the Emperor*. On this charge he was condemned and executed. How striking and palpable is the resemblance between this accusation and those on which Arbuthnot and Ambrister were tried! All Europe and America indignantly reprobated the exercise of such a power by a military tribunal, even in a country at war with France. And what were the mighty effects produced by the French Emperor, by this barbarous act? He widowed a wife— orphaned her helpless offspring, and broke the heart of a woman! Sanction the death of Arbuthnot and Ambrister, and with what grace shall we hereafter condemn the execution of John Palm? I shall vote my disapprobation of the trials of Arbuthnot and Ambrister, because they were executed under the forms of law, and because I am not prepared to avow to the world, that we, who boast so much of our justice, recognize an institution of this nature. I am anxious to blot out this stain upon our national character. Their case was not within the jurisdiction of a court martial. Courts martial, among us, are but the mere creatures of positive law. All their authority is derived from the statute which creates them; without that they are nothing. They can take cognizance of no offences whatever, except those specifically named in the statute. Their jurisdiction over persons is strictly confined to the army, and those attached to it, and, without that express authority which has been conferred, I should doubt whether they, as courts martial, had any jurisdiction even in the case of a spy. They are tribunals of special and limited jurisdiction; their powers cannot be extended by implication, and they are strictly confined to the powers expressly granted to them. What, sir, is the nature of these tribunals? The accuser prefers the charges; the accuser, in the first instance, selects the judges from his own subordinate officers; the accuser appoints the pub-

lic advocate; the accuser approves or disapproves the sentence; and the accuser executes it. Lamentable would be our situation if courts martial should be suffered to transgress a single letter of the law which creates them. Their proceedings are contrary to all those safeguards which the municipal law has provided for the security of personal liberty. The charges are not even sanctioned by an oath; the arrest is not founded on oath; the trial is without jury; the decision is in secret, and the correction of their errors depends on the pleasure of him to whom the sentence is submitted. It is now asserted that he may even alter it. By the municipal law of England and of this country, a judge who should venture to pronounce a sentence of death, contrary to the punishment which the law has prescribed; or an officer who should execute even a sentence of death in a different manner from the judgment, would suffer the punishment of death. Is there any thing, then, in the nature or proceedings of a military tribunal, which should induce us to view them with a more partial and indulgent eye? The sword is almost the only emblem of justice which guides them. Shall we now say to Europe that an American army, on entering a foreign country, carries with it these dreadful engines of human misery and oppression? With my consent these transactions shall never be recorded by history, as the acts of the nation. Mr. Storrs here entered into an examination of the charges on which Arbuthnot and Ambrister were tried, and concluded that none of them, (except that of being a spy, on which they were acquitted,) were cognizable by a court martial; that they were inconsistent and absurd; and that, as to Arbuthnot, he doubted whether sufficient evidence was produced to establish them.

But, said he, of infinite consequence will the effect of our vote be on the national character. We profess to be the only free government on earth—that our intercourse with foreign nations is characterized by moderation and justice—that our institutions are pure and unspotted—that our national character is beyond reproach. Above all, we profess to be Christians. Go—follow the track of this Christian army through the Floridas. It can easily be traced. Every footstep is trodden in blood. The path is strewed with the unbleached bones and livid carcases of its slaughtered inhabitants. Survey this frightful waste of human life—the awful calamities which have been inflicted on our own species, and say if our posterity will not blush for their ancestors. An incident which occurred during this campaign carries with it the keen-

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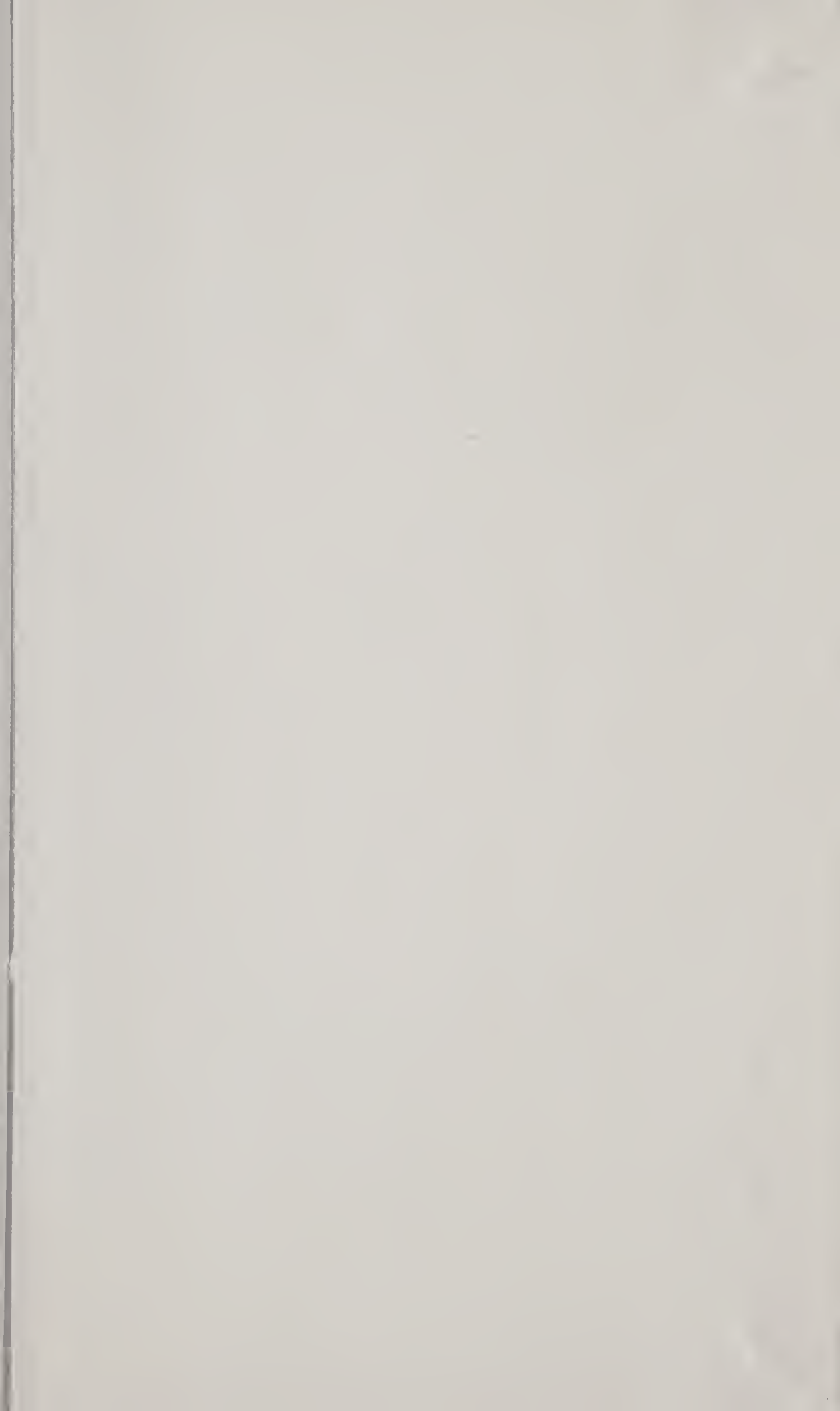
est rebuke to our professions of christianity. Duncan M'Rimmon, one of the Georgia militia, was captured by the Indians in the early part of the war; he was condemned by Hillis Hadjo to death; the vietim was bound in his presence and the instruments of torture were prepared. The daughter of this chief, an artless and uneducated child of the forest, who had never heard of the precepts of our religion, whose only instruction had been received from that father, at the awful moment when he was about to suffer the exeruciating death to be inflicted by savage ferocity, this Indian girl rushing between him and his murderers, implored his life. On her intercession it was granted—the life of our fellow countryman was spared. That father, who thus listened and yielded to this supplication of merey was the Prophet Francis, whom General Jackson afterwards executed. His orphaned child, in return for the disinterested benefaction which she bestowed upon us, is left to heap up the fallen earth around his grave.* Sir, is this the æra of the world when America shall sanetion these acts of inhumanity? When the potentates of Europe are compelled in their alliances to appeal to the moral sense of mankind to secure the stability of their thrones—when all Christendom is awakened, and one universal effort is making to diffuse the gospel and inculcate its precepts of merey throughout the benighted regions of the globe, shall we turn aside from this work of benevolence and refuse to efface from our history these examples of barbarous cruelty? A new æra has eommenced among the nations of the earth. On every side and in every heart the amelio-

*Col. Arbuckle, commandant of Fort Gadsden on the Appalachicola, observes in a letter, to the Editors of the Georgia Journal, of the 1st Nov. that “but few of the hostile Indians have surrendered of late, owing, as I believe, in a great measure, to their having received information that the Spanish government will again have possession of the Floridas.” He adds—

“Duncan M'Rimmon is here. Milly, the Prophet Francis's daughter, says she saved his life, or used such influence as she possessed to that effect, from feelings of humanity alone, and that she would have rendered the same serviee to any other white man similarly circumstanced; she is, therefore, not disposed to accept of his offer of matrimony, which has been made as an acknowledgment of gratitude. The donation presented through me, by the citizens of Milledgeville, to Milly, has been delivered, and she manifested a considerable degree of thankfulness for their kindness.”

ration of the condition of the human race is exciting the noblest efforts of our nature. Every christian nation is engaged in the abolition of the slave trade. I see around me some of those who have devoted themselves to this alleviation of human misery! Go on, may God prosper you in this noble work of humanity and benevolence—your names shall descend to posterity, associated with Wilberforce and Pitt—your proud reward shall be, that you have bound up the broken-hearted—that you have carried joy and peace and comfort and consolation to thousands of widowed mothers and their helpless children. Let our vote on this occasion wash out the stains which have tarnished our reputation by the execution of the Indian Chiefs and the death of Arbuthnot and Ambrister. If, however, these deeds of cruelty are to receive the sanction of this House, here, before God and man, I wash my hands of their blood.





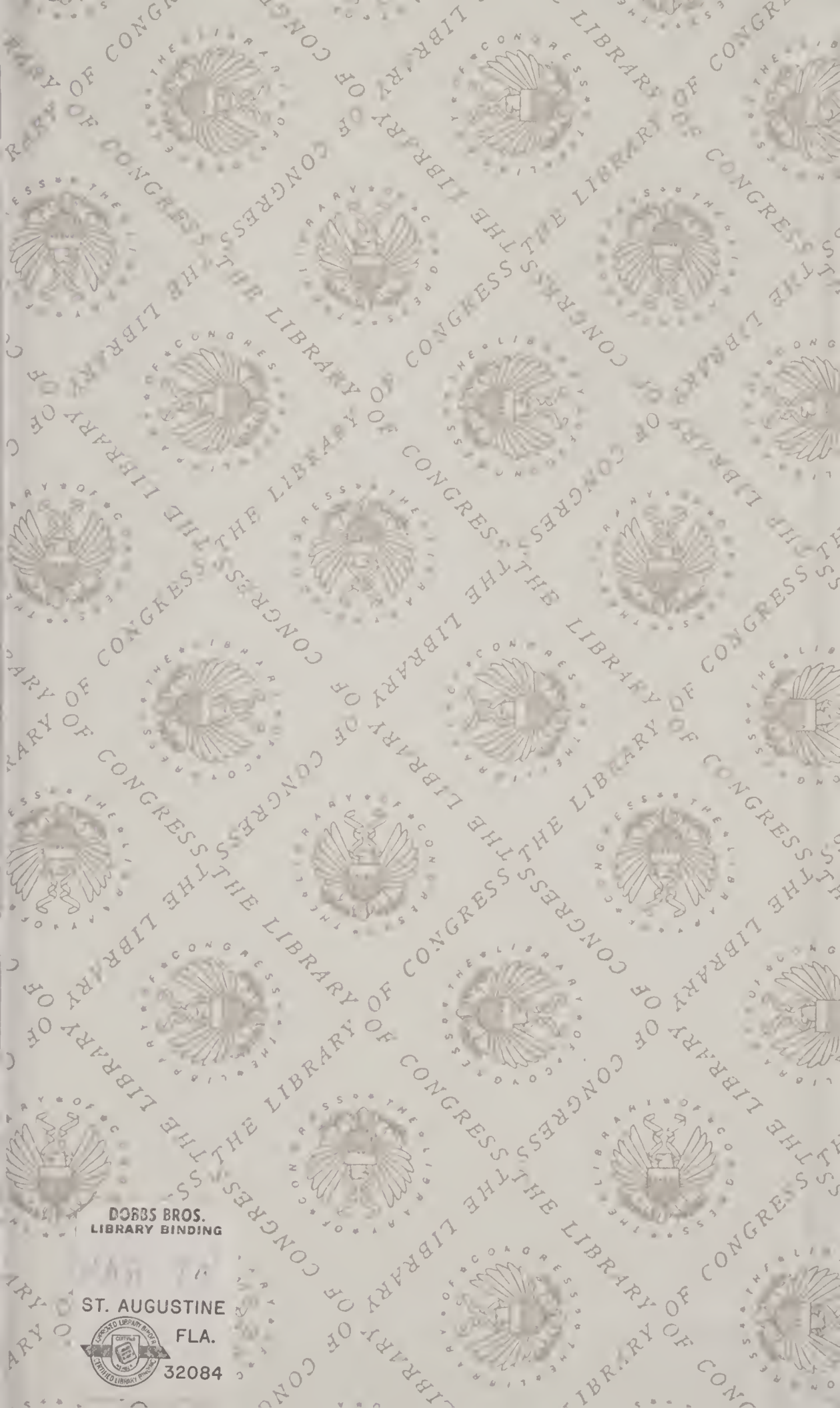


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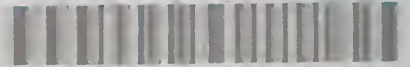
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